



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,299	02/17/2004	Patrick Calahan	BEAS-01330US1	9743
23910	7590	07/03/2007		
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER TO, BAOQUOC N	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,299

Applicant(s)

PARTRICK CALAHAN

Examiner

Baoquoc N. To

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-32 and 37-40 is/are allowed.
- 6) ☒ Claim(s) 1-12, 33, 35, 36 and 41-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/31/2007 has been entered.

Claims 1-12, 23 and 33 are amended and claims 35-42 are newly added in the amendment filed on 05/31/2007. Claims 1-33 and 34-42 are pending in this application.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the entire specification does not disclose "computer-implemented system", at most the specification discloses a system as in fig. 1 which indicated that this software components or module to perform the steps of the claimed invention in both claim 1 and 15.

Claim Objections

3. Claim 23 is objected to because of the following informalities: claim 23 recites a machine readable medium having instructions stored thereon that when executed by a

processor cause a system to, it is not clear whether the a machine readable medium having instructions stored thereon is being claimed or the system is being claim. For the purpose of examination, the claim being interpreted as "machine readable medium having instructions stored thereon that when executed by a processor causes the instructions to perform." Appropriate correction is required.

Claim 1 recites "an XML document" in line 3, which is lacked antecedent and basic. For the purpose of examination, "an XLM document" is being interpreted as the XML to recited the XML document in line 1.

Claim 13 recites "an XML document" in line 2, which is lacked antecedent and basic. For the purpose of examination, "an XLM document" is being interpreted as the XML to recited the XML document in line 1.

Claim 33 recites "an XML document" in line 2, which is lacked antecedent and basic. For the purpose of examination, "an XLM document" is being interpreted as the XML to recited the XML document in line 1.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-12, 33, 35-36 and 41-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites a computer-implemented system; however, the computer-implemented system never disclosed in the specification. The specification discloses a system and the system is also illustrated by fig. 1, this system is a software system 1 is the software system including module or software component to perform the recites steps. For the system claim to be statutory, there is at least one hardware requires.

Claims 1-12 and 35-36 are depended on claim 1; therefore, claim 1-12 and 35-36 are rejected under the same reason.

Claim 33 recites a computer-implemented system with means plus function; however, the computer-implemented system never disclosed in the specification. The specification discloses a system and as well as fig. 1; however, the system disclosed by specification and fig. 1 indicated a software system including software module or soft components to carry the claimed invention. For the system claim to be statutory, there is at least one hardware requires.

Claims 41- 42 depended on claim 33; therefore, claim 42 is rejected under the same reason as to claim 33.

Response to Arguments

5. Applicant's arguments filed 05/31/2007 have been fully considered but they are not persuasive.

The applicant argues "the amended claims 1 and 33 as computer-implemented system which discloses in paragraph 0021-0023. A computer-implemented system,

which is different from a software process or program per se, is a patentable subject matter under 25 U.S.C 101."

The examiner respectfully disagrees with the above argument. Throughout the applicant specification, there is no disclosure of a computer system excepting for system which indicate software process or program per se. Although, the applicant directed the attention to paragraph 0021-0023, however, the computer system never defined for discloses. The passages only indicate the digital computer or microprocessor (s).

Allowable Subject Matter

6. Claims 13-32 and 37-40 are allowed and claims 1-12, 33, 35-36 and 42 are only allowed when the claims 1-12, 33, 35-36 and 41-42 overcome the 101 rejection.

The following is an examiner's statement of reasons for allowance:

As to claim 1, the examiner agrees with applicant argument on pages 10 and 11 of the response that "the Applicant respectfully disagrees and submits that the process in Kozlov builds a partial document tree in memory ([0044] in Kozlov), which includes the current node and remaining previously formatted nodes upon which formatting of said current node is dependent ([0013] in Kozlov). In contrast, the present invention only keeps one event or a subset of the stream of events in memory at anytime. In another word, the partial document tree in Kozlov will always include particularly the root node of the document, whereas a subset of the stream of events in present invention can be any portion of the document not containing the root node. In addition, it is quite likely that, in Kozlov, the entire document stays in memory and none of the elements is

removed if certain conditions or formatting rules (as described in [0046]-[0048]) are not met. More specifically, the Applicant respectfully submits that Kozlov does not teach "accepting a first event from the stream of events and keeping in memory only said first event of the stream of events at one time," as in currently amended independent claims 1, 13, 23, and 33, since the partial document tree in Kozlov will always include the root node whereas said one." In additional, there is no motivation to combine.

Claims 2-12 and 35-36 are depended on claim 1; therefore, claims 2-12 and 35-36 are allowed under the same reason as to claim 1.

Claim 13 is a method for perform the similar steps as in the system of claim 1; therefore, claim 13 is rejected under the same reason as to claim 1.

Claims 14-22 and 37-38 are depended on claim

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent Number:

Wei	(US. Pub. No. 2002/0103373 A1)	Pub date: 05/27/2004.
Andrews et al.	(US. Pub. No. 2003/0217094 A1)	Pub date: 11/20/2003.

Morran et al. (US. Pub. No. 2003/0065874 A1) Pub date: 04/03/2003.
Morrone et al. (US. Patent No. 6,901,410 B2) Patent date: 05/31/2005.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

BQ To
June 23rd, 2007

